

The Brown Act & The Greene Act

An Overview of Open Meeting Laws that Govern LAUSD's Parent Committees

Presented by:

Christine N. Wood, *Assistant General Counsel*

LAUSD's Office of the General Counsel

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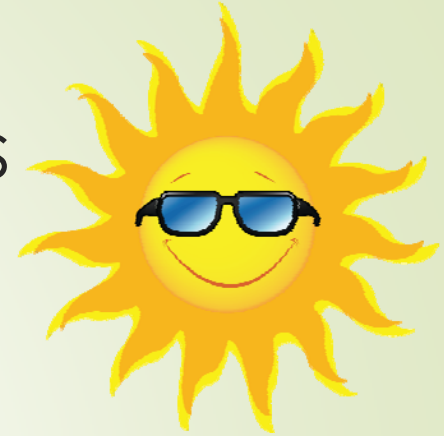


Agenda



- Overview of California Sunshine Laws
- The Brown Act
 - Legislative Bodies
 - Meetings
 - Public Participation
 - Violations
- The Greene Act

Overview of CA Sunshine Laws



■ Open Meetings

- Brown Act → governs the legislative bodies of local public agencies or those created by state or federal statute
- Greene Act → exempts legislative bodies from the Brown Act if specifically listed in Education Code § 35147
- Bagley Keene Act → governs the boards and commissions of state agencies

■ Open Records

- Public Records Act



“

In enacting this chapter, the Legislature finds and declares that the public commissions, boards, and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

”

Gov. Code § 54950

The Essence of the Brown Act



The Brown Act

Government Code § 54950 et seq.

- ▶ Questions to Ask
 - ▶ Is the body a legislative body?
 - ▶ If so, the Brown Act applies.
 - ▶ Is the gathering a meeting?
 - ▶ If so, the meeting must be open and public.
 - ▶ Has adequate notice been provided of the meeting?
 - ▶ If not, then no formal actions can be taken. Any actions taken are null & void.



The Brown Act Legislative Bodies

Government Code § 54950 et seq.

- What is a legislative body?
 - the governing body of a local agency
 - any commission, committee, or board created by the local agency
 - standing committees
 - advisory committees with some exceptions
 - appointed bodies
- Exceptions
 - quorumless advisory committees comprised solely of members of the legislative body (*Joiner v. Sebastopol*)
 - groups that are advisory to a single decision-maker or appointed by staff
- Note: the Brown Act applies to newly-elected members who have not yet officially assumed office.



The Brown Act Meetings

Government Code § 54950 et seq.

- What is a meeting?
 - a congregation of the majority of members to hear, discuss, or deliberate upon any item within the subject matter jurisdiction of the legislative body
 - the meeting can involve formal action or deliberative considerations
- Types of Meetings
 1. Regular meetings
 2. Special meetings
 3. Emergency meetings
 4. Adjourned meetings

The Brown Act ☀ Meetings

Government Code § 54950 et seq.



- Serial Meetings → prohibited by the Brown Act
 - serial meetings are meetings that at one time involve a portion of the legislative body, but eventually involve a majority
 - a member of a legislative body can meet with constituents & confer with colleagues or staff
 - avoid daisy chain & hub-spoke communications
 - applies to emails, text messages, blogs, and social media



The Brown Act ☀️ Meetings

Government Code § 54950 et seq.

► Exceptions to Meetings Governed by the Brown Act (6)

1. individual contact exception
2. seminar & conference exception
3. community meeting exception
4. other legislative body exception
5. social or ceremonial occasion exception
6. standing committee exception

Prohibition

A discussion among the a majority of members involving business of a specific nature that is within their local agency's subject matter jurisdiction.



The Brown Act Meeting Technology



Government Code § 54950 et seq.

- Teleconferencing is permitted, but not required
 - at least a quorum of the legislative body must participate from locations within the local agency's jurisdiction
 - each teleconference location must be specifically identified in the notice and agenda of the meeting
 - agendas must be posted at each teleconference location
 - each teleconference location must be accessible to the public
 - all votes must be by roll call
 - additional teleconference locations may be made available for the public
 - agenda must provide the opportunity for the public to speak directly from each teleconference location

The Brown Act Meeting Technology

Government Code § 54950 et seq.

- Teleconferencing ≠ Audio Streaming



LOS ANGELES UNIFIED SCHOOL DISTRICT
PARENT AND COMMUNITY SERVICES

COMMUNITY ADVISORY COMMITTEE

Parent and Community Services
1360 W. Temple Street, Los Angeles, CA 90026
(213) 481-3350

PCS Auditorium
Wednesday, September 20, 2017
10:00 a.m. – 1:00 p.m.

Election Meeting
AGENDA

The CAC meeting will be
publically teleconferenced from:
(712) 451-0755
Access Code: 638-381

I. Welcome/Call to Order	PCS Staff
II. Pledge of Allegiance	Member
III. Public Comment <i>Five speakers, two minutes each</i>	PCS Staff
IV. Parent, Community and Student Services Update	Dr. Rosalinda Lugo, Administrator Parent and Community Services
V. Greetings from the Division of Special Education	Beth Kauffman, Associate Superintendent. Division of Special Education

The Brown Act Notice

Government Code § 54950 et seq.

- To properly notice a meeting...
 - the agenda must be posted at least 72 hours before the regular meeting in a location freely accessible to the public
 - the 72 hours may fall on a weekend
 - agenda must be posted on the agency web site (if it has one), but **only** posting on an agency's Web site is inadequate
 - agenda must state the meeting time and place
 - agenda must contain a brief description of each item of business to be transacted or discussed, including items to be discussed in closed session
 - include the location of any teleconference sites

The Brown Act Public Participation

Government Code § 54950 et seq.

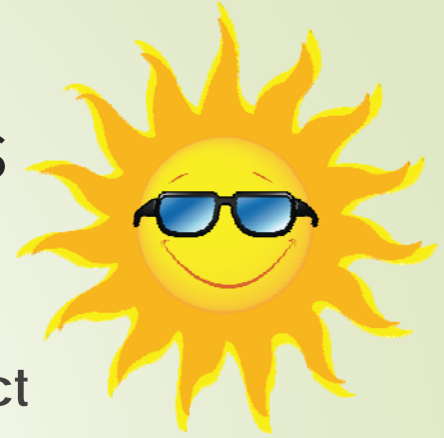
- There cannot be any conditions to a member of the public attending the meeting. Note: sign-in sheets for the public are voluntary.
- Meeting facilities must be open to the public with no prohibition or barrier.
- Members of the public must be able to address the legislative body from a teleconference location.
- Action by secret ballot, whether preliminary or final, is flatly prohibited.
- There can be no semi-closed meetings—meetings are either open or closed.
- The legislative body may remove persons from a meeting who **willfully interrupt proceedings**.
- The public is allowed to use audio or video tape recorders or still or motion picture cameras at a meeting to record the proceedings.

The Brown Act Violations

Government Code § 54950 et seq.

- Members of a legislative body who intend to deprive the public of information to which the member knows or has reason to know that the public is entitled may be convicted of a misdemeanor
 - Up to \$1,000 fine and/or up to one year in jail.
- Actions of the body may be voided.
- Injunctions against the body.
- Reasonable attorneys' fees and court costs may be awarded.

Overview of CA Sunshine Laws



The Brown Act



The Greene Act



The Greene Act

Education Code § 35147



- The Greene Act exempts certain parent committees from the Brown Act, but creates a separate set of rules to insure open meetings.
 - meetings must be open to the public and allow for public input and access to all meeting materials discussed and/or distributed at the meeting
 - notices and agenda must be posted at least 72 hours in advance at the school site or other appropriate place accessible to the public
 - notice and agenda must include date, time, and location of the meeting and the items to be discussed or acted upon
 - action cannot be taken on non-agendized items without a unanimous vote

questions...



Need Open Meetings or Open Records Guidance...??

General Inquiries

Office of Parent and Community Services
1360 West Temple Street, Los Angeles, CA 90026
P: (213) 481-3350



Public Records Requests

Office of the General Counsel
P: (213) 241-7600 or E: prarequests@lausd.net